

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS)	
COMMISSION'S TRIENNIAL REVIEW ORDER)	CASE NO. 2003-00379
REGARDING UNBUNDLING REQUIREMENTS)	
FOR INDIVIDUAL NETWORK ELEMENTS)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTIONS AND
RESPONSES TO COMPETITIVE CARRIERS OF THE SOUTH, INC.
SECOND SET OF DATA REQUESTS**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits the following Objections and Responses to Competitive Carriers of the South, Inc.'s (hereinafter "CompSouth") Second Set of Data Requests, dated January 15, 2004.

GENERAL OBJECTIONS

1. BellSouth objects to each and every data request to the extent that such request may call for information that is exempt from discovery by virtue of the attorney-client privilege, work product doctrine, or other applicable legal principle.
2. BellSouth objects to each and every data request insofar as the requests are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any answers provided by BellSouth in response to these interrogatories will be provided subject to, and without waiver of, the foregoing objection.
3. BellSouth objects to each and every data request insofar as it is not reasonably calculated to lead to the discovery of admissible evidence and is not relevant to

the subject matter of this action. BellSouth will attempt to note in its responses each instance where this objection applies.

4. BellSouth objects to providing information to the extent that such information is already in the public record before the Commission or that has previously been furnished to CompSouth or its members in this or any similar proceeding in other BellSouth states.

5. BellSouth objects to CompSouth's discovery requests, instructions and definitions, insofar as they seek to impose obligations on BellSouth that exceed the requirements of the Kentucky Rules of Civil Procedure or Kentucky Law.

6. BellSouth objects to each and every data request insofar as any of them are unduly burdensome, expensive, oppressive, or excessively time consuming as written.

7. BellSouth is a large corporation with employees located in many different locations in Kentucky and in other states. In the course of its business, BellSouth creates countless documents that are not subject to state commission or Federal Communications Commission ("FCC") retention of records requirements. These documents are kept in numerous locations that are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to this set of discovery questions. BellSouth will conduct a search of those files that are reasonably expected to contain the requested information. To the extent that the data requests purport to require more, BellSouth objects on the grounds that compliance would impose an undue burden or expense.

8. To the extent that such data requests are overly broad and unduly burdensome, BellSouth objects to any discovery request that seeks to obtain "all" of particular

documents, items, or information. Any answers provided by BellSouth in response to this discovery will be provided subject to, and without waiver of, the foregoing objection.

9. BellSouth objects to the manner in which certain discovery is requested.

BellSouth may not maintain information in the ordinary course of its business in the particular format requested by CompSouth. BellSouth objects to providing responsive information in the format requested by CompSouth on the grounds that doing so would be overly broad, unduly burdensome, and oppressive.

10. BellSouth also objects to any request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007, or under protective agreements with CLECs to which BellSouth is a party. BellSouth will only provide CPNI and CLEC confidential information consistent with the FCC's rules and BellSouth-executed protective agreements.

11. BellSouth objects to the data requests to the extent they seek to impose an obligation on BellSouth to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such data requests are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, state whether BellSouth contends (1) that the self provisioning trigger is satisfied, (2) that the wholesale trigger is satisfied or (3) that non-impairment should be found as a result of a potential deployment analysis. Provide your answers separately for DS1, DS3 and dark fiber.

RESPONSE: BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, identify the carriers that BellSouth contends have deployed their own loop facilities to the customer location. State whether the carrier has deployed DS1, DS3 or dark fiber loops to the location.

RESPONSE: BellSouth objects to this data request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger for DS1 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger for DS3 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger, state the basis on which BellSouth contends that a carrier is willing "immediately to provide" a DS1, DS3 or dark fiber loop "on a widely available wholesale basis." Provide your answer separately for DS1, DS3 and dark fiber loops.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each carrier that BellSouth contends is a wholesale provider to any of the customer locations for which you will challenge the FCC's impairment finding, identify which of the following bases (if any) BellSouth relies on to support its contention that the carrier is a wholesale provider. Please provide your response in the following format:

Wholesale Carrier	Carrier's discovery responses indicating offer or purchase of loops	BellSouth's experience in losing wholesale contracts to another carrier	Carrier's advertisements	Carrier's Public Statements	Analyst and industry reports
Carrier A	(check all that apply)				
Carrier B (repeat as necessary)					

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on a carrier's discovery response to demonstrate that the carrier is a wholesale provider, identify each carrier's discovery response(s) upon which BellSouth relies.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on "BellSouth's experience in losing wholesale contracts to another carrier" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify and describe each instance or experience on which BellSouth will rely.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding.

REQUEST: If BellSouth will rely on "[a]nalyst and industry reports identifying carriers as wholesalers" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify the carrier and the report(s) (including without limitation, name of report, date of report, etc.) upon which BellSouth will rely.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on a carrier's "public statements and filings indicating willingness to wholesale or revenues from wholesaling" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every statement and filing upon which BellSouth will rely.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on a carrier's "own advertisements offering wholesale services" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every advertisement and statement upon which BellSouth will rely.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: For each customer location in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger for DS3 or dark fiber loops, provide all documents, studies, or records showing that the self-provisioning trigger is satisfied. Please provide separate responses for DS3 and dark fiber loops.

RESPONSE: BellSouth objects to this Request on the grounds that it is overly broad, unduly burdensome, and oppressive. BellSouth further objects on the grounds that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which locations satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: Will BellSouth rely on the GeoLIT Plus Report produced by GeoResults, Inc to support its contention that a carrier has deployed facilities to a customer location? If so, provide a copy of the report(s) on which BellSouth will rely, identify the carrier(s) that BellSouth will contend have deployed facilities, the location(s) to which BellSouth will contend those facilities have been deployed and state all actions that BellSouth took to verify, refine or modify the information contained in the report(s) on which BellSouth will rely.

RESPONSE: BellSouth objects to this Request to the extent it seeks confidential information that BellSouth cannot disclose under a nondisclosure agreement to which BellSouth is a party. BellSouth will only provide such information consistent with this BellSouth-executed nondisclosure agreement.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding.

REQUEST: For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, state whether BellSouth contends (1) that the self-provisioning trigger is satisfied, (2) that the wholesale trigger is satisfied or (3) that non-impairment should be found as a result of a potential deployment analysis. Provide your answers separately for DS1, DS3 and dark fiber.

RESPONSE: BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: For each transport route in BellSouth territory identified for which you will challenge the FCC's impairment finding, identify the carriers that BellSouth contends have deployed their own transport facilities between the two central offices on the transport route. State whether the carrier has deployed DS1, DS3 or dark fiber transport on the route.

RESPONSE: BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger for DS1 transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger for DS3 transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger for dark fiber transport, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each transport route in BellSouth territory for which you will challenge the FCC's impairment finding, as satisfying the wholesale trigger, state the basis on which BellSouth contends that a carrier is willing "immediately to provide" DS1, DS3 or dark fiber transport "on a widely available wholesale basis." Provide your answer separately for DS1, DS3 and dark fiber.

RESPONSE: BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide CPNI and confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

Subject to this objection, and without waiving this objection, BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky.

REQUEST: For each carrier that BellSouth contends is a wholesale provider on any of the transport routes for which you will challenge the FCC's impairment finding, identify which of the following bases (if any) BellSouth relies on to support its contention that the carrier is a wholesale provider. Please provide your response in the following format:

Wholesale Carrier	Carrier's discovery responses indicating offer or purchase of loops	BellSouth's experience in losing wholesale contracts to another carrier	Carrier's advertisements	Carrier's Public Statements	Analyst and industry reports
Carrier A	(check all that apply)				
Carrier B (repeat as necessary)					

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on a carrier's discovery response to demonstrate that the carrier is a wholesale provider, identify each carrier's discovery response(s) upon which BellSouth relies.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: If BellSouth will rely on "BellSouth's experience in losing wholesale contracts to another carrier" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify and describe each instance or experience on which BellSouth will rely.

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REQUEST: If BellSouth will rely on "[a]nalyst and industry reports identifying carriers as wholesalers" (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify the carrier and the report(s) (including without limitation, name of report, date of report, etc.) upon which BellSouth will rely.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

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REQUEST: If BellSouth will rely on a carrier's "own advertisements offering wholesale services" to demonstrate that a carrier is a wholesale provider (see testimony of Shelley Padgett in Florida PSC Docket 030852-TP (filed December 22, 2003) at 9), identify each and every advertisement and statement upon which BellSouth will rely.

RESPONSE: BellSouth continues to prepare its case and has not decided which information upon which it intends to rely in this proceeding. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: For each transport route for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: For each transport route for which you will challenge the FCC's impairment finding, as satisfying the wholesale provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (*i.e.*, UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: For each transport route for which you will challenge the FCC's impairment finding, as satisfying the self-provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access, where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (*i.e.*, UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: For each transport route for which you will challenge the FCC's impairment finding, as satisfying the wholesale provisioning trigger, identify all instances in which BellSouth has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access, where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which BellSouth is currently billing the carrier, the type of service provided (*i.e.*, UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: State whether collocation space is exhausted in any of the "A" or "Z" locations for which you will challenge the FCC's impairment finding, and identify with specificity such locations.

RESPONSE: Collocation space is currently available in all BellSouth central offices in Kentucky; therefore, none of the "A" to "Z" locations are at space exhaust. BellSouth's Space Exhaust List is posted on BellSouth's URL link: http://interconnection.bellsouth.com/notifications/carrier/carrier_pdf/91081451-C.pdf

REQUEST: For the past year (or such other time frame dating to approximately January 1, 2003, as is readily available), state the following information separately for DS1 and DS3 transport orders:

- (a) The number of LSRs requesting UNE transport between the "A" and "Z" end points of the routes for which you will challenge the FCC's impairment finding,
- (b) The number of "no facilities" responses BellSouth has returned in response to these LSRs; and
- (c) The number of UNE transport circuits provisioned.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: For the past year (or such other time frame dating to approximately January 1, 2003, as is readily available), state the following information separately for UNE dark fiber orders:

- (a) The number of LSRs requesting UNE dark fiber between the "A" and "Z" end points of the routes for which you will challenge the FCC's impairment finding;
- (b) The number of "no facilities" responses BellSouth has returned in response to these LSRs; and
- (c) The number of UNE dark fiber circuits provisioned.

RESPONSE: BellSouth objects to this Request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this Request on grounds that it is overly broad, unduly burdensome, and oppressive. Finally, BellSouth objects to this Request to the extent that it seeks confidential information that BellSouth cannot disclose under the FCC's Customer Proprietary Network Information ("CPNI") rules, 47 CFR §64.2007 or under nondisclosure agreements to which BellSouth is a party. BellSouth will only provide confidential information consistent with the FCC's rules and BellSouth-executed nondisclosure agreements.

REQUEST: For each "no facilities" response identified in data requests 31 and 32, state the reason given for the "no facilities" response and the estimated time period in which the facility was anticipated to be available.

RESPONSE: BellSouth objects to this request on the grounds that it is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence. BellSouth further objects to this request on grounds that it is overly broad, unduly burdensome, and oppressive.

REQUEST: Has BellSouth ever purchased dedicated transport services or obtained dedicated transport capacity on any of the routes for which you will challenge the FCC's impairment finding, from any of the entities BellSouth will contend are wholesale carriers? If yes, identify the carrier from whom BellSouth obtained the services or capacity, the type of service or facility obtained, and the terms and conditions upon which BellSouth obtained this service or facility.

RESPONSE: BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky. Once it does so, BellSouth will supplement its response to this Request.

REQUEST: Has BellSouth ever purchased dedicated transport services or obtained dedicated transport capacity on any of the routes for which you will challenge the FCC's impairment finding, from any other provider not affiliated with either BellSouth or any of the entities that BellSouth will contend are wholesale carriers? If yes, identify the carrier from whom BellSouth obtained the services or capacity, the type of service or facility obtained, and the terms and conditions upon which BellSouth obtained this service or facility.

RESPONSE: BellSouth continues to prepare its case and has not determined which routes satisfy the FCC's trigger standards or potential deployment analysis in Kentucky. Once it does so, BellSouth will supplement its response to this Request.

Respectfully submitted this 4th day of February, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

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